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Honorable Commissioner of Patents and Trademarks  
Washington DC 20231

Serial No **08 / 447 703**  
Title **A FLUID WORKING DEVICE**  
Filed **June 7 1995**  
Group Art Unit **3747**  
Examiner **N Kamen**

**February 4 2002**

**SUPPLEMENTAL AMENDMENT**

to

**PETITION under 37 CFR 1.181 filed December 27 2001**

Dear Sir:

The above petition requests that the Amendment filed on April 25 2001 (copy attached) after Final rejection mailed October 25 2000 be entered. Richard Harris, the previous attorney of record, prepared the petition (copy attached) at extremely short notice, under circumstances set out below. In that petition, arguments refuting the objections of the examiner to entry were not presented. Such arguments were fully presented in the Appeal Brief filed late September or October, which is hereby attached and forms part of this petition. The most important of many important arguments have been highlighted. (Please excuse the vagueness as to dates: Mr Harris never dated any document to the PTO. He said it was covered in the letter of mailing, but the letters of mailing were never forwarded to me.)

As alluded to in the Appeal Brief, Richard Harris and I worked together for around thirty years, on at least a dozen complex separate patent applications. We have always strived, nearly always successfully, to fully meet the examiner's objections, both by coherent and fair argument and by proper modification of claims, etc. In all that time, all our responses have always been entered, other than on the occasion which is subject of this petition.

In November, Richard Harris received a Notification of Non-Compliance with the Requirements of 37 CFR 1.192(c) (copy attached). The examiner felt the Appeal Brief's arguments were not proper subject for an appeal, and gave 30 days notice to file them in the form of a petition. Because Mr Harris had been out of town visiting relatives when the Notice was received, he had only four days to prepare the petition by the due date.

Additionally in this petition, the applicant requests that this that the Notice of Non-Compliance be withdrawn. Under the circumstances outlined in the Brief it seems, as a matter of common sense and also according to a "Reasonable Person" standard, that the Appeal Brief arguments are appropriate to this particular case at this time.

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